

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 06491 021043Z
ACTION EB-08

INFO OCT-01 EUR-12 IO-13 ISO-00 AF-10 ARA-10 EA-07
NEA-10 L-03 FRB-03 OMB-01 ITC-01 SP-02 USIA-06
AGRE-00 AID-05 CIAE-00 COME-00 INR-07 LAB-04
NSAE-00 OIC-02 SIL-01 STR-04 TRSE-00 CEA-01 SS-15
/126 W

-----041890 021219Z /44

R 021002Z AUG 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 9888
INFO AMEMBASSY PARIS
USMISSION USUN NEW YORK

C O N F I D E N T I A L GENEVA 6491

USOECD

PASS EB-BOEKER, L-FELDMAN

E.O. 11652: GDS
TAGS: UNCTAD, ETRD
SUBJECT: UNCTAD: GROUP OF EXPERTS ON CODE OF CONDUCT FOR
TRANSFER OF TECHNOLOGY, JULY 25-29

1. SUMMARY: FIVE DAY SESSION OF VARIOUS CONTACT AND
DRAFTING GROUPS ON TECHNOLOGY CODE PRODUCED LITTLE IN WAY OF
FORWARD MOVEMENT. GROUP B OFFERS FOR COMPROMISE WERE NOT
RECIPROCATED BY GROUP OF 77. AS A CONSEQUENCE, NO TRUE
NEGOTIATIONS WERE ACHIEVED. AT THE END OF WEEK, ONLY RESULT
WAS A JUXTAPOSITION OF CONFLICTING TEXTS ON DEFINITIONS,
OBJECTIVES AND PRINCIPLES AND RESTRICTIVE BUSINESS PRACTICES.
THIS SITUATION PROVOKES A NUMBER OF ISSUES WHICH WILL REQUIRE
HIGH LEVEL USG POLICY DECISIONS, INCLUDING OUR APPROACH AT
NEXT UNGA ON CONVENING OF FULL UN CONFERENCE ON THE CODE,
TENTATIVELY SCHEDULED FOR APRIL-MAY 1978. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06491 021043Z

2. WORKING GROUP I. CONFUSED AND AT TIMES DESULTORY DIS-
CUSSION ON DEFINITIONS, OBJECTIVES AND PRINCIPLES AND
SPECIAL MEASURES FOR LDCS PRODUCED "COMPOSITE" TEXTS ON
THE FIRST TWO OF THESE SECTIONS. THESE TEXTS CONSISTED
OF HEAVILY BRACKETED TEXTS WHICH MERELY ALIGNED THE RE-
SPECIFIC POSITIONS WITHIN BRACKETS. IT BECAME CLEAR
FROM BOTH THE WORK METHOD AND DEBATE THAT THE G-77 OB-

JECTIVE IS TO GET AS MANY WORDS AS POSSIBLE IN COMPOSITE TEXTS WITHOUT SACRIFICING ANY OF ITS SUBSTANTIVE POSITIONS.

3. WORKING GROUP II. RESTRICTIVE BUSINESS PRACTICES.

TWO FURTHER PRACTICES, REGARDING TIEING ARRANGEMENTS AND EXPORT RESTRICTIONS WERE ESTABLISHED IN THE FORM OF CONSOLIDATED DRAFT TEXT. LIKE PREVIOUS TEXYS OF CONSOLIDATED DRAFTS OF OTHER PRACTICES, SOME OF WHICH WERE ALSO DISCUSSED AND SLIGHTLY AMENDED AT THIS SESSION, BRACKETED LANGUAGE EXPRESSING CONFLICTING VIEWS OF THE THREE NEGOTIATING GROUPS ABOUNDS. ALTHOUGH POSITIONS OF GROUPS B AND D ARE BEGINNING TO CONVERGE ON SEVERAL ISSUES, G-77 HAS GIVEN NO INDICATION OF WILLINGNESS TO NEGOTIATE ON SUBSTANCE. TOWARD THE END OF THE SESSION, G-77 PROPOSED TO REDUCE THE NUMBER OF ITS PREVIOUSLY TABLED RESTRICTIONS BY COMBINING SEVERAL, WITHOUT ANY APPRECIABLE CHANGE IN SUBSTANCE. ON THE WHOLE, DISCUSSIONS IN WORKING GROUP II CANNOT BE CONSIDERED PRODUCTIVE AT THIS TIME, IF THE GOAL OF DISCUSSION IS TO ARRIVE AT AGREED TEXT, OR COMPOSITE TEXT WITH ONLY MINOR DIFFERENCES IN SUBSTANCE.

4. WORKING GROUP III, NATIONAL REGULATION. GROUP B OFFERED COMPROMISE TEXT ON THIS CHAPTER. THE G-77 MADE NO RESPONSE OR MOVEMENT OFF ITS PREVIOUS POSITION. THUS, GROUP B TEXT WAS WITHDRAWN AND NO DRAFTING ON THIS SECTION WAS POSSIBLE. THE DIFFERENCES ON THIS IMPORTANT CHAPTER, AS WITH OTHERS, ARE AS GREAT AS WHEN WE STARTED.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06491 021043Z

5. COMMENT: THE G-77 STRATEGY APPEARS CLEAR AT THIS POINT. THEY ARE CONTENT TO AVOID ALMOST TOTALLY ANY TRUE NEGOTIATIONS AND WILL BE SATISFIED TO ACHIEVE A MERELY MECHANICAL JUXTAPOSITION OF TOTALLY OPPOSING CONCEPTS IN BRACKETS. THIS "COMPOSITE" TEXT WILL THEN BE PRESENTED TO THE NEXT SESSION OF THE UNGA AS A SUFFICIENT BASIS UPON WHICH TO CONVENE THE UNITED NATIONS CONFERENCE REFERRED TO IN UNCTAD RESOLUTION 89(IV). THE HOPE OF THE G-77 IS THUS TO ACHIEVE AT A POLITICAL LEVEL THE AGREEMENT WHICH TOTALLY ELUDES THEM AT THE TECHNICAL LEVEL.

6. IN VIEW OF THIS STRATEGY, IT IS ESSENTIAL THAT HIGH POLICY LEVEL ATTENTION BE GIVEN TO THE FOLLOWING ISSUES.

(A) SHOULD GROUP B AND US CONTINUE TO OFFER COMPROMISE TEXTS WHEN THERE IS NO RECIPROCITY FROM G-77 AND GROUP B THUS ALONE REDUCES ITS NEGOTIATING ROOM FOR UPCOMING UN CONFERENCE.

(B) IS THE US PREPARED TO CONVENE OR ATTEND A UN CONFERENCE WHEN THERE HAS BEEN NO SUBSTANTIAL COMPROMISE ON ANY MATTER OF SUBSTANCE OVER TWO YEAR PERIOD OF NEGOTIATIONS, AND DIFFERENCES BETWEEN GROUP B AND G-77 ARE NUMEROUS AND SIGNIFICANT, KEEPING IN MIND THAT PROPOSED CODE OF CONDUCT

IS LIKELY TO BE OF LITTLE, IF ANY, BENEFIT TO US
INTERESTS.

(C) AT UPCOMING UNGA, G-77 WILL PROBABLY PROPOSE THAT UN
CONFERENCE ON CODE WILL BE A PLENIPOTENTIARY CONFERENCE
AT MINISTERIAL LEVEL. SHOULD US CONTINUE ITS OPPOSITION
TO PLENIPOTENTIARY CONFERENCE (BASED ON VIEW THAT SUCH A
CONFERENCE PREJUDICES OUR POSITION IN OPPOSITION TO A
LEGALLY-BINDING CODE OF CONDUCT)? SHOULD US ACCEPT A
MINISTERIAL LEVEL CONFERENCE?

VANDEN HEUVEL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL CONDUCT, POLICIES, AGREEMENT DRAFT, TECHNOLOGICAL EXCHANGES
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA06491
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770276-0470
Format: TEL
From: GENEVA USOECD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197708107/aaaadnho.tel
Line Count: 125
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 66ec9e4f-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1422773
Secure: OPEN
Status: NATIVE
Subject: UNCTAD: GROUP OF EXPERTS ON CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY, JULY 25-29
TAGS: ETRD, SZ, UNCTAD
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/66ec9e4f-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009